

# SENATE RECORD VOTE ANALYSIS

106th Congress  
1st Session

Vote No. 42

March 11, 1999, 3:44 p.m.  
Page S-2561 Temp. Record

## EDUCATION MANDATE WAIVERS/Option for Schools to Fund their Priorities

**SUBJECT:** Education Flexibility Partnership Act . . . S. 280. Jeffords (for Lott) amendment No. 67 to the committee substitute amendment No. 31.

### ACTION: AMENDMENT AGREED TO, 61-38

**SYNOPSIS:** As reported, S. 280, the Education Flexibility Partnership Act, will expand eligibility for participation in the Education Flexibility (Ed-Flex) Program to all 50 States (currently only 12 States are eligible). Under the program, an eligible State may request that the Department of Education give it the right to grant to local education agencies waivers of certain Federal education regulatory and statutory requirements. A State that gives a waiver to a local education agency also must waive its own similar statutory and regulatory education requirements. Certain Federal regulatory and statutory requirements, including requirements relating to health and safety and civil rights, may not be waived. (Federal education funding provides between 6 percent and 7 percent of total public school funding, a third of which is for nutrition rather than education programs. The Federal Government closely controls how the funds it gives are spent, which hampers local innovation. Also, the 4 percent of funding that it gives is responsible for more than 50 percent of the administrative work in many school districts, due to the extensive paperwork requirements that come with Federal assistance.)

The committee substitute amendment would add public notice provisions, strengthen accountability provisions, and make technical corrections as agreed to by the managers.

**The Jeffords (for Lott) amendment** would allow local education agencies, using the Federal funds appropriated last year to hire teachers, either to hire teachers or to pay for activities mandated by the Individuals with Disabilities Act (IDEA). (As a result of last-minute negotiations, a \$1.2-billion appropriation for an unauthorized program to hire teachers was added to a \$500-billion omnibus appropriations bill at the end of the 105th Congress. See 105th Congress, second session, vote No. 314. None of those funds have been distributed to date. The Department of Education released guidelines a few days before this vote on how the money could be spent, and the expected distribution date for the funds at the time of this vote was July of 1999. The annual cost of

(See other side)

YEAS (61)		NAYS (38)		NOT VOTING (1)	
Republicans (55 or 100%)	Democrats (6 or 14%)	Republicans (0 or 0%)	Democrats (38 or 86%)	Republicans (0)	Democrats (1)
Abraham	Hutchinson	Breaux	Akaka	Kennedy	
Allard	Hutchison	Conrad	Baucus	Kerrey	
Ashcroft	Inhofe	Dorgan	Bayh	Kerry	
Bennett	Jeffords	Johnson	Biden	Kohl	
Bond	Kyl	Landrieu	Bingaman	Lautenberg	
Brownback	Lott	Leahy	Boxer	Levin	
Bunning	Lugar		Bryan	Lieberman	
Burns	Mack		Byrd	Lincoln	
Campbell	McCain		Cleland	Mikulski	
Chafee	McConnell		Daschle	Moynihan	
Cochran	Murkowski		Dodd	Reed	
Collins	Nickles		Durbin	Reid	
Coverdell	Roberts		Edwards	Robb	
Craig	Roth		Feingold	Rockefeller	
Crapo	Santorum		Feinstein	Sarbanes	
DeWine	Sessions		Graham	Schumer	
Domenici	Shelby		Harkin	Torricelli	
Enzi	Smith, Bob		Hollings	Wicker	
Fitzgerald	Smith, Gordon		Inouye	Wyden	
Frist	Snowe				
Gorton	Specter				
Gramm	Stevens				
Grams	Thomas				
Grassley	Thompson				
Gregg	Thurmond				
Hagel	Voinovich				
Hatch	Warner				
Helms					

#### EXPLANATION OF ABSENCE:

1—Official Business  
2—Necessarily Absent  
3—Illness  
4—Other

#### SYMBOLS:

AY—Announced Yea  
AN—Announced Nay  
PY—Paired Yea  
PN—Paired Nay

complying with the IDEA is \$40 billion. The Federal Government committed to paying 40 percent of that cost when it first passed the IDEA, but it currently pays just 11 percent. When Democrats were in the majority in Congress, it paid just 6 percent.) The amendment would also increase the Federal authorization for IDEA funding by \$150 million, and would make the finding that if the Federal Government were to pay more of its promised share of IDEA funding, local educational agencies would have more flexibility in their budgets to design school dropout prevention programs or any other programs they deemed most appropriate to address their unique community needs and to improve student performance.

**Those favoring** the amendment contended:

For each Democratic amendment that is being offered to create a new Federal education program, Republicans are offering amendments that will allow local school districts, using the \$1.2 billion appropriation for hiring teachers that was included in last year's omnibus appropriations bill, either to hire teachers or to pay a part of the costs of IDEA mandates. To the extent that States do not have to use their own money to pay for those Federal mandates, they will have more money to spend on other educational purposes, including dropout prevention programs. As we have explained on previous votes, it was highly inappropriate and ill-advised to pass that appropriation last year. No hearings were held on the proposal; no authorizing legislation existed (or exists even now); no debate occurred; no rollcall votes were held. Instead, it was rammed into a massive, omnibus bill as part of a backroom deal between a handful of Members. No research was done to see if it was a proposal that was a high priority for States; no analysis was done to see if it would have much of an effect; no one bothered to sit down and work through the numbers to find that few schools in America would have a chance of getting even one extra teacher from that \$1.2 billion. Frankly, if the proper process had been followed, we doubt very much that this spending would ever have been approved. There are too many other more meritorious proposals. Rather than rescinding the appropriation, though, Republicans are willing to leave it up to local school districts. If they really want the money for hiring teachers, then they can go right ahead and use it for that purpose. If not, they can effectively use it for any other educational purpose that they desire. Some school districts, though we doubt very many, will use the funds to hire teachers; most districts will probably have higher priorities. In the final analysis, we do not mind how they decide to spend the money, because we believe each individual district knows its own unique needs better than we do. The choice is clear. Our Democratic colleagues want to authorize a slew of new Federal programs, which are just promises to spend money. We, on the other hand, want to take money that is already appropriated and tell local school districts they can spend it on whatever they need most. We favor that second choice, and thus strongly support this amendment.

**Those opposing** the amendment contended:

Republicans are offering a Hobson's choice. They are telling schools that if they give up the money that was appropriated for them last year to hire teachers, they can use it to pay for some of the costs of their IDEA mandates (and thus free up their own funds to spend on anything else). That choice is just not acceptable. Democrats say it should not be a choice--the right response is that the Federal Government should increase funding for disabilities education and that it should also fund all of the new proposals being advanced by Democrats, such as the school dropout prevention proposal. The problem of students dropping out of high school is huge. Kids who quit school are sentencing themselves to lifetimes of low wages. Often, they are literally sentencing themselves--82 percent of all prison inmates are high school dropouts. This pending amendment is intended as a substitute for the Bingaman/Reid amendment. That amendment, which the Senate will consider next, would create a new Federal dropout prevention program. The Lott amendment is not an adequate substitute for the Bingaman/Reid amendment. We urge its rejection.